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## **Berliner moves to safeguard farm stands**

### **Legislation would allow operation, with some restrictions, in residential zones**

by Erin Donaghue | Staff Writer

After another popular county farm stand was threatened with closure, County Council Vice President Roger Berliner (D-Dist. 1) of Potomac hopes to introduce legislation that would safeguard it.

The legislation would also protect other farm stands across the county operating in residential zones, as long as they meet certain conditions and don't impose on homeowners.

After a complaint was filed in September, operators of the Twin Springs Fruit Farm that operates on Wednesdays in the parking lot of the Concord Saint Andrews United Methodist Church in Bethesda were told by the county Department of Permitting Services they could no longer operate there. The stand is a popular destination for shoppers in search of local produce.

Though there are several farm stands that operate out of church parking lots, county zoning regulations don't allow them because they are commercial operations running out of residential zones, according to Susan Scala-Demby, the county's zoning manager.

"They are an institution that the neighborhood is totally supportive of, and our rules, quite frankly, don't allow for them," Berliner said of the Twin Springs Fruit Farm, explaining his decision to push forward legislation.

Scala-Demby said those rules are enforced on a complaint basis because her department doesn't have enough inspectors to police zoning violations throughout the county.

According to Scala-Demby, the Twin Springs Fruit Farm was established under an exception that allows for mobile vendors like ice cream trucks to operate in residential zones. However, after the complaint was filed, Scala-Demby said she learned the exception couldn't be applied to Twin Springs Fruit Farm. She said she welcomed Berliner's legislation, a zoning text amendment.

"I think it provides a service to the public and it gives us a way to allow them to be there, which we couldn't do before," Scala-Demby said.

Scala-Demby said the proposed zoning text amendment calls for farm stands in residential zones to be at least 100 feet from a home and located on a lot that's primarily used for a non-residential purpose, such as a church.

At the state level, legislation is also underway that would allow for vendors to operate in the state right-of-way. That change was championed after a flurry of protest this summer when State Highway Administration officials moved to shut down two popular farm stands along River Road, claiming they were traffic hazards and improper uses of state right-of-way. The two stands, Country Thyme Farm Market and Truffula Farm Market, were allowed to finish out the season on River Road and will likely move before next season.

After learning of a potential closure, owners of the Twin Springs Fruit Farm rallied support from their loyal customer base, organizing a petition and contacting press and local officials. Concord Saint Andrews United Methodist Church, which receives 12 percent of their annual budget from the stand, also joined in on the campaign.

"In a week, we had over 1,000 signatures of people who are saying, 'We're in favor of our market continuing,'" said James Frazee, an owner of the farm market.

That sentiment was apparent Oct. 21, as shoppers stopped by to pick up fresh fruit and vegetables just as the stand shut down for the day. "I like buying directly from farmers, I like being out in the fresh air, and I like that the produce is really fresh," said Bethesda resident Ann Satchwill.

Patron Esther Wilter agreed. "I've been shopping here for 15 years, and it's the best produce in town," Wilter said.

Berliner said he hopes to introduce the legislation within the next several weeks. The legislation would outline conditions to ensure the farm stands wouldn't overly burden neighboring homeowners, he said. The legislation's introduction would pause any potential enforcement action on Twin Springs Fruit Farm, he said. "It's a big deal for that particular community, it's a big deal for the church community, and it's a big deal for people who value fresh produce," Berliner said.